

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MICHAEL MELENDEZ,

Plaintiff (Pro Se),

v.

**UNIVERSITY OF NEW HAMPSHIRE, in
its official and individual capacity, LAUREN
BERGER, in her official and individual
capacity, SHANE COOPER, in his official
and individual capacity, NELSON RAUST,
in his official and individual capacity,**

Defendants.

Case Number: 2023-cv-00172-SM

DEFENDANTS' MOTION TO SCHEDULE A STATUS CONFERENCE

Defendants respectfully move for the Court to schedule a status conference in this manner.

In response to the Second Amended Complaint Plaintiff seeks to file – comprising over 320 pages and nearly 3000 paragraphs, with more than 20 defendants -- Defendants request an opportunity to confer with the Court as soon as possible regarding the additional claims and parties identified therein, and the proper scope of this case generally. As grounds thereof, Defendants state as follows:

1. Plaintiff filed the original Complaint on March 3, 2023. The Complaint named 4 defendants. The complaint was 7 pages long and included 25 paragraphs with 7 claims.
2. Defendants moved to partially dismiss the original Complaint on June 16, 2023.
3. Plaintiff then filed the First Amended Complaint on July 19, 2023. Plaintiff named a total of 9 defendants. The First Amended Complaint was 12 pages long with 106 paragraphs, and only asserted 6 claims.
4. Defendant moved to dismiss the First Amended Complaint on September 22, 2023.

5. On September 27, 2023, Plaintiff emailed Defendants' Attorney, Gregory Manousos, attaching the intended Second Amended Complaint.
6. The Second Amended Complaint included 21 named Defendants. The named Defendants included virtually anyone or everyone who Plaintiff has encountered or emailed at UNH, including the law firm representing Defendants and one of its attorneys, Rachel Shapiro (who has since left the firm). The complaint is 322 pages and includes 2,948 paragraphs with an unwarranted 392 claims, many of which fail to recite any legally cognizable cause of action.
7. On October 4, 2023, Defendants' attorney informed Plaintiff that Defendants do not assent to Plaintiff's motion for leave to amend the Complaint, but would assent to Plaintiff's motion for an extension of time to answer the motion to dismiss on the First Amended Complaint. Defendants' attorney (the undersigned counsel) also informed Plaintiff of its intention to file this motion for a status conference. The undersigned counsel asked Plaintiff whether he would assent to this motion, and Plaintiff did not indicate his assent.
8. Defendants recognize that it has the right to file a Motion to Dismiss the proposed Second Amended Complaint, and it intends to do so. However, Defendants respectfully submit that the efficient administration of justice would benefit from a status conference with the Court in order to discuss the proper scope of this case, rather than burdening the Court with a nearly 3000 page Complaint and an extensive (and third) Motion to Dismiss.

As a result, Defendants hereby move this Court to convene a status conference at the Court's earliest convenience to address the proper scope of this case and provide guidance to the parties. Defendants further request a stay of its obligation to file a Motion to Dismiss the Second Amended Complaint until such time as the status conference is held.

Respectfully submitted,

DEFENDANTS UNIVERSITY OF NEW
HAMPSHIRE, LAUREN BERGER, SHANE
COOPER, and NELSON RAUST,

By Their Attorneys,

/s/ Gregory Manousos

Gregory Manousos, *pro hac vice*
Jeffrey T. Collins (NH Bar No. 11260)
MORGAN, BROWN & JOY, LLP
200 State Street, Suite 11A
Boston, MA 02109
T: (617) 523-6666
E: jcollins@morganbrown.com
E: gmanousos@morganbrown.com

Date: October 5, 2023

LOCAL RULE 7.1(C) CERTIFICATION

I hereby certify that a good faith attempt was made to confer with Plaintiff and obtain his concurrence with this Motion, but I was unable to obtain Plaintiff's concurrence.

/s/ Gregory Manousos

Gregory A. Manousos

Dated: October 5, 2023

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2023, this document filed through the ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and, per written agreement of the Parties, copies shall be sent via email to Michael Melendez at Michael.Melendez@law.unh.edu.

/s/ Gregory Manousos

Gregory Manousos